

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ SEP 03 2010 ★

CON-WAY FREIGHT, INC.

Case No. LONG ISLAND OFFICE

Plaintiff(s)

against

PUROLATOR USA, INC.

Defendant(s)

COMPLAINT  
CV 10 4054  
BIANCO, J.  
BOYLE M.

CON-WAY FREIGHT, INC., by and through its undersigned attorneys, Roe Paroff Taitz &

Portman, LLP, sues the Defendant, and for cause says:

**JURISDICTION**

1. This action arises under the Interstate Commerce Act 49 U.S.C. §10101 et seq., an act of Congress regulating commerce.
2. Jurisdiction of this Court is proper under 28 U.S.C. §1337.
3. Venue in this Court is proper under 28 U.S.C. §1391(b) as these claims arose in this district.

**PARTIES**

4. The Plaintiff, CON-WAY FREIGHT, INC., is a common carrier by motor vehicle of commodities generally and is an interstate carrier of such commodities.
5. The Defendant, PUROLATOR USA, INC. is a corporation organized and with a principal place of business in the County of Nassau, State of New York.

**BACKGROUND**

6. That this action arises pursuant to Title 49 of the United States Code, which pertains to the transportation of freight by motor carrier.
7. The Plaintiff is, and at all times herein mentioned was, a common carrier of goods and merchandise engaged in Interstate Commerce.

8. Between the approximate dates of January 28, 2009 through July 2, 2010, Plaintiff and Defendant contracted for the transportation of goods pursuant via Bills of Lading that incorporate the Plaintiff's Applicable Motor Carrier Classification of Tariff.

9. Plaintiff transported the goods in questions to the designated consignees.

10. That Defendant's consignees received said goods.

11. That Defendant refused to pay the freight charges incurred in the amount of \$57,470.35.

12. Defendant is liable for said freight charges pursuant to 49 U.S.C. §13706 and the Plaintiff's Bill of Lading Terms and Conditions which are part of its Tariff CNWY-199.

13. The Defendant is liable interest on the outstanding balance at nine percent per annum.

14. The Defendant is liable for all costs and attorneys fees incurred in this action.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For the principal amount of \$57,470.35.
2. Prejudgment interest on the outstanding balance at nine percent per annum.
3. All costs and attorneys fees incurred in this action.
4. Continuing interest on the judgement amount at nine percent per annum.

5. For any such other relief as the Court deems just and proper in the premises.

Dated: August 31, 2010  
Bohemia, New York

Yours, etc.

ROE TAROFF TAITZ & PORTMAN, LLP  
Attorneys for Plaintiff  
One Corporate Drive, Suite 102  
Bohemia, New York 11716  
(631) 475-4400 File No. 58167

By: \_\_\_\_\_



ELLIOTT M. PORTMAN  
EMP-8473